

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re application of: Craig C. Hodges et al.	)	Examiner: M. Haghighatian
	)	
Serial No.: 10/696,959	)	Group Art Unit: 1616
	)	
Filing Date: October 30, 2003	)	Confirmation No.: 8482
	)	
For: DELIVERY OF AEROSOLS	)	
CONTAINING SMALL PARTICLES	)	
THROUGH AN INHALATION ROUTE	)	

July 27, 2007

**TERMINAL DISCLAIMER**

Mail Stop Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

Alexza Pharmaceuticals, Inc., having a business address at 1020 East Meadow Circle, Palo Alto, California, 94303, is the owner of the entire interest in the instant application, and hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. § 154 and 173, as presently shortened by any terminal disclaimer, of prior United States Patent Nos. listed on Exhibit A attached. The Owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and United States Patent Nos. listed on attached Exhibit A, are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, the owner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. § 154 and 173 of the prior patents, as presently shortened

by any terminal disclaimers, in the event that the prior patents later expire for failure to pay a maintenance fee, are held unenforceable, are found invalid by a court of competent jurisdiction, are statutorily disclaimed in whole or terminally disclaimed under 37 C.F.R. § 1.321, have all claims cancelled by a re-examination certificate, are reissued, or are in any manner terminated prior to the expiration of their full statutory term as presently shortened by any terminal disclaimer.

The undersigned is an attorney of record.

The undersigned hereby authorizes the charge of the terminal disclaimer fee of \$130.00 or any deficiency of fees to be charged to deposit account No. 19-5117.

Respectfully submitted,

Date July 27, 2007

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## EXHIBIT A

<u>U.S. Patent No.</u>	<u>Issue Date</u>
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**EXHIBIT A (continued)**

<b><u>U.S. Patent No.</u></b>	<b><u>Issue Date</u></b>
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